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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91198140
Party	Defendant Patenta Asia Ltd.
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Date	02/08/2011
Attachments	answer-affirmativedefenses.pdf (5 pages)(125850 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

CCA GLOBAL PARTNERS, INC.

Opposer

Opposition No. 91198140

Application No. 79067104

v.

PATENTA ASIA LTD.

Applicant.

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER AND AFFIRMATIVE DEFENSES

Applicant, Patenta Asia Ltd. (“Applicant”), by and through its undersigned attorneys, hereby responds to the like-numbered paragraphs of CCA Global Partners, Inc.’s (“Opposer”) Notice of Opposition as follows:

1. Applicant admits that Application Serial No. 79/067,104 (“the ‘104 application”) was filed on December 3, 2008 in International Classes 17, 19, 20 and 35 under Section 66(a). Applicant further admits that the International Class 19 goods description reads: “building materials, namely, parquet flooring, parquet floor boards, non-metal floor panels, non-metal floors, non-metal window frames, non-metal door frames, non-metal cladding for construction and building, wall boards and panels not of metal, wall linings not of metal, for

building, linings not of metal, for building; building materials consisting of non-metallic hybrid materials, predominantly of plastic substances; building materials consisting of non-metallic hybrid materials, predominantly of plastic substances, namely, parquet flooring, parquet floor boards, non-metal floor panels, non-metal floors, non-metal window frames, non-metal door frames, non-metal cladding for construction and building, wall boards and panels not of metal, wall linings not of metal, for building, linings not of metal, for building; veneer consisting of non-metallic hybrid materials, predominantly of plastic substances.” Applicant admits that the ‘104 application was published for opposition on July 13, 2010 and that Opposer sought extensions of time to oppose the ‘104 application.

2. Applicant admits the existence of U.S. Trademark Registration Nos. 3,577,124, 3,577,125, 3,582,739 and 3,614,995. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in Paragraph 2 and therefore denies the allegations contained therein.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 3, and therefore denies the same.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 4, and therefore denies the same.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 5, and therefore denies the same.

6. Denied.

7. Denied.

8. Denied.

9. Denied.

AFFIRMATIVE DEFENSES

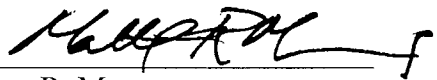
In further answer to the Notice of Opposition, Applicant asserts the following affirmative defenses, without assuming the burden of proof on such defenses that would otherwise rest with Opposer:

1. Opposer's Notice of Opposition fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the opposition.
2. Applicant's use of its mark will not mistakenly be thought by the public to derive from the same source as Opposer's goods, nor will such use be thought by the public to be a use by Opposer with Opposer's authorization or approval.
3. Applicant's mark in its entirety is sufficiently distinctly different from the Opposer's registered trademarks to avoid confusion, deception or mistake as to the source, sponsorship or association of Applicant's goods.
4. Applicant reserves the right to assert additional affirmative defenses learned in discovery or otherwise.

In conclusion, Applicant respectfully requests that this Opposition Proceeding be dismissed, with prejudice, and that its registration issue forthwith.

Respectfully submitted,

BROOKS KUSHMAN P.C.

By: 

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Dated: February 8, 2011

CERTIFICATE OF TRANSMITTAL

I hereby certify that this correspondence is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the following date:

Date: February 8, 2011

Carolyn Belandier

CERTIFICATE OF SERVICE

I certify that I served:

ANSWER AND AFFIRMATIVE DEFENSES

on February 8, 2011 by:

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